

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

PATRICK E. NOEL,  
Plaintiff,

v.

WARDEN,  
Defendant.

Case No. [19-cv-03118-EMC](#)

**ORDER EXTENDING DEADLINES  
AND DENYING REQUEST FOR  
APPOINTMENT COUNSEL**

Docket Nos. 6, 7, 8

Respondent's request for an extension of the deadline to file an answer or other responsive pleading to the petition for writ of habeas corpus is **GRANTED**. Docket No. 8. The Court now sets the following new deadlines: Respondent must file and serve his answer or other responsive pleading no later than **March 20, 2020**. Petitioner must file and serve his traverse no later than **April 17, 2020**.

Petitioner has requested that counsel be appointed to represent him in this action. A district court may appoint counsel to represent a habeas petitioner whenever "the court determines that the interests of justice so require" and such person is financially unable to obtain representation. 18 U.S.C. § 3006A(a)(2)(B). The decision to appoint counsel is within the discretion of the district court. *See Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986). Appointment is mandatory only when the circumstances of a particular case indicate that

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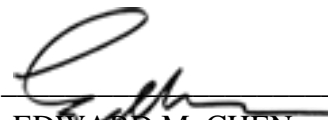
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1 appointed counsel is necessary to prevent due process violations. *See id.* Petitioner's request for  
2 appointment of counsel is **DENIED** because the interests of justice do not require appointment of  
3 counsel in this action. Docket Nos. 6, 7.

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5 **IT IS SO ORDERED.**

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7 Dated: January 17, 2020

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11 EDWARD M. CHEN  
12 United States District Judge  
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